

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ASHAD R.A. MUHAMMAD ALI,

Petitioner,

v.

TENNESSEE BOARD OF PARDON
AND PAROLES,

Respondent.

No. 3:03-0644
Judge Nixon

ORDER

The court has before it a petition for a writ of *habeas corpus* filed by a *pro se* prisoner pursuant to 28 U.S.C. § 2254, which the Court previously construed as having been brought under 28 U.S.C. § 2241. As provided in the Memorandum entered contemporaneously herewith, the petitioner's request for federal *habeas corpus* relief (Docket Entry No. 1) is DENIED and this action is DISMISSED. Rule 8, Rule – Section 2254 Proceedings.¹

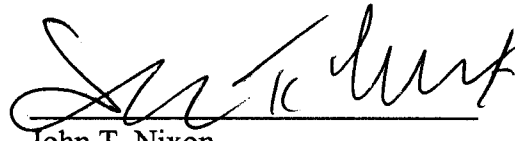
When the district court denies a ground for relief on the merits in a *habeas corpus* action, a certificate of appealability (COA) “may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), the standard being whether “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court has independently determined that the petitioner has not made a substantial showing of a denial of a constitutional right in any of his claims, and that reasonable jurists would not find the Court’s assessment of the petitioner’s claims debatable or wrong. Therefore, should the petitioner file a timely notice of appeal from this Order, such notice shall be docketed as both a notice of appeal and an application for a COA, 28

¹ The rules pertaining to § 2254 petitions are applicable to the instant petition brought pursuant to § 2241. Rule 1 – § 2254 Cases.

U.S.C. § 2253(c); *Slack*, 529 U.S. at 483; Rule 22(b), Fed. R. App. P., which will NOT issue. See *Castro v. United States of America*, 310 F.3d 900, 901 (6th Cir. 2002); *Murphy v. Ohio*, 263 F.3d 466, 467 (6th Cir. 2001); *Porterfield v. Bell*, 258 F.3d 484, 485-487 (6th Cir. 2001); *Lyons v. Ohio Adult Parole Auth.*, 105 F.3d 1063, 1073 (6th Cir. 1997).

Entry of this Order shall constitute the judgment in this action.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "John T. Nixon", written over a horizontal line.

John T. Nixon

Senior United States District Judge